

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS55284-MH-87 (03/23)

Short Title: Civil Litigation Costs Reform Act of 2009. (Public)

Sponsors: Senator Rouzer.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH AS A GENERAL RULE IN CIVIL ACTIONS THAT  
3 PREVAILING DEFENDANTS BE AWARDED ATTORNEYS' FEES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 23 of Chapter 1 of the General Statutes is amended by adding  
6 a new section to read:

7 "**§ 1-246.1 Attorneys' fees.**

8 (a) General Rule. – The court shall award reasonable attorneys' fees, resulting from the  
9 successful defense of any civil action arising under this Chapter or any other statute, against the  
10 plaintiff. For purposes of this section, "successful defense" means the defendant prevailed after  
11 trial with respect to all claims presented by plaintiff, or the action was dismissed pursuant to  
12 Chapter 1A-1, Rule 12(b).

13 (b) Records. – Counsel of record in actions subject to an award of attorneys' fees under  
14 this section shall maintain accurate, up-to-date records of hours worked on the matter  
15 regardless of the fee arrangement with the client.

16 (c) Statutory Exceptions. – This section does not apply when a specific statute  
17 otherwise addresses an award of attorneys' fees.

18 **SECTION 2.** This act becomes effective October 1, 2009, and applies to civil  
19 actions filed on or after that date.

